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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 MICHAEL GLAVE THROUGH DANA  
11 GLAVE AND ALVIN HEGGE,

12 Petitioner,

13 v.

14 PATRICK GLEBE, et al.

15 Respondent.

CASE NO. 11-5529RJB

ORDER DIRECTING SERVICE

16 The court has reviewed the next friend petition filed in this case and despite the  
17 attempts to depict the petition as a common law habeas corpus and a petition under 28  
18 U.S.C. § 2241, the court finds the petition properly filed pursuant to 28 U.S.C. § 2254.  
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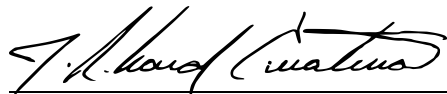
20 (l) The clerk shall arrange for service by certified mail upon respondent and  
21 the Attorney General for the State of Washington, copies of the petition, all documents in  
22 support thereof. All costs of service shall be advanced by the United States. The Clerk  
23 shall assemble the necessary documents to effect service. In addition, the Clerk shall  
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1 send petitioner a copy of this Order, along with a copy of the Court's General Order  
2 regarding pro se litigation.

3 (2) Within forty-five (45) days after such service, respondent(s) shall file and  
4 serve an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in  
5 United States District Courts. As part of such answer, respondent(s) should state whether  
6 petitioner has exhausted available state remedies, whether an evidentiary hearing is  
7 necessary, and whether there is any issue of abuse or delay under Rule 9. Respondent  
8 shall not file a dispositive motion in place of an answer without first showing cause as to  
9 why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of the  
10 Court and serve a copy of the answer upon petitioner.

11 (3) The answer will be treated in accordance with Local Rule CR 7.  
12 Accordingly, upon receipt of the answer the Clerk will note the matter for consideration  
13 on the fourth Friday after the answer is filed, petitioner may file and serve a response not  
14 later than on the Monday immediately preceding the Friday appointed for consideration  
15 of the matter, and respondent may file and serve a reply brief not later than on the  
16 Thursday immediately preceding the Friday designated for consideration of the matter.

17 DATED this 18<sup>th</sup> day of July, 2011.

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19 J. Richard Creatura  
20 United States Magistrate Judge  
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